

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SIXTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Monday

March 8, 2010

Forty-ninth Day

Pursuant to adjournment the Senate was called to order by President Stevens at 1:04 p.m.

The roll showed eighteen members present. Senators Dyson, Wagoner were excused from a call of the Senate.

The prayer was offered by the Chaplain, David Dierdorff of the Juneau Unitarian Universalist Fellowship. Senator Meyer moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Spirit of life, come to us to break down barriers; to widen horizons; to make us less judgmental. Help us to see the larger picture and the kinder conclusion; to love and let live; to embrace and forgive; to sustain and care.

As the men and women of the Senate gather here in search of answers to hard questions and as the pressure to find those answers mounts during the waning days of this session, help them find the strength to:

- Let this be a place not only of searching, but of discovery;
- Let this be a place not only of speaking, but of listening;
- Let this be a place not only of reaction, but of action;

- Let this be a place not only of learning, but of wisdom; and
- Let this be a place not only of meeting, but of connection and understanding.

So be it. Amen.

Senator Bunde led the Senate in the Pledge of Allegiance.

Certification

Senator Ellis moved and asked unanimous consent that the journals for the forty-third through forty-eighth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the Governor

Letter dated and received March 4 was read, stating in accordance with Art. III, Secs. 25 and 26 of the Alaska Constitution, and AS 39.05.080, I submit the following names for legislative confirmation of appointment to the positions noted:

Board of Marital and Family Therapy

Wendy S. Hamilton – Douglas

Appointed: 3/1/2010 Term Expires: 3/1/2014

State Medical Board

Dr. William W. Resinger – Palmer

Appointed: 9/21/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2014

The appointments were referred to the Health and Social Services Committee.

The resumes for these appointments have been submitted to the Offices of the Senate Secretary and the Chief Clerk.

Communications

The following reports are on file in the Office of the Secretary of the Senate:

Report to the Governor and the Alaska Legislature 2010 Submitted by the Alaska Juvenile Justice Advisory Committee

Local Boundary Commission Report to the 26th Alaska Legislature, Second Session, dated February 2010
from Lynn Chrystal, Chair

Alaska Workers' Compensation Appeals Commission 2010 Annual Report, dated March 1, 2010

Standing Committee Reports**SB 270**

The Finance Committee considered SENATE BILL NO. 270 "An Act relating to the dividend paid to the state by the Alaska Housing Finance Corporation; and providing for an effective date." Signing do pass: Senator Stedman, Cochair; Senators Thomas, Egan, Ellis. Signing no recommendation: Senator Olson.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Revenue

The bill was referred to the Rules Committee.

SB 301

Corrected fiscal notes from the Office of the Governor for SENATE BILL NO. 301 "An Act relating to the power project fund; authorizing the Alaska Energy Authority to charge and collect fees relating to the power project fund; authorizing the Alaska Energy Authority to sell and authorizing the Alaska Industrial Development and Export Authority to purchase loans of the power project fund; providing legislative approval for the sale and purchase of loans of the power project fund under the memorandum of understanding dated February 17, 2010; and providing for an effective date" published today:

Fiscal Note No. 3, zero, Department of Commerce, Community and Economic Development

Fiscal Note No. 4, indeterminate, Department of Commerce, Community and Economic Development

SB 302

Corrected fiscal note from the Office of the Governor for SENATE BILL NO. 302 "An Act establishing the Alaska microloan revolving fund; making loans for commercial purposes from the fund; and relating to the fund and loans; and providing for an effective date" published today:

Fiscal Note No. 1, Department of Commerce, Community and Economic Development

Introduction and Reference of Senate Bills

SB 303

SENATE BILL NO. 303 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to a subcontractor's, contractor's, and project owner's liability for workers' compensation, to sole proprietors and partnerships without employees, and to managers or managing members of limited liability companies, and excluding certain persons from liability for securing the payment of workers' compensation benefits to employees; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Judiciary Committees.

SB 304

SENATE BILL NO. 304 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act adopting the Alaska Entity Transactions Act; relating to changing the form of entities, including corporations, partnerships, limited liability

companies, business trusts, and other organizations; amending Rule 79, Alaska Rules of Civil Procedure, and Rules 602(b)(2), 602(c), and 605.5, Alaska Rules of Appellate Procedure; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and Judiciary Committees.

SB 305

SENATE BILL NO. 305 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act relating to the tax on oil and gas production; and providing for an effective date."

was read the first time and referred to the Finance Committee.

SB 306

SENATE BILL NO. 306 BY THE SENATE FINANCE COMMITTEE, entitled:

"An Act relating to the tax on oil and gas production; relating to availability of a portion of the money received from the tax on oil and gas production for appropriation to the community revenue sharing fund; and providing for an effective date."

was read the first time and referred to the Finance Committee.

Consideration of the Calendar

Second Reading of Senate Bills

SB 10

SENATE BILL NO. 10 "An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the

Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association; and providing for an effective date" was read the second time.

Senator Davis, Chair, moved and asked unanimous consent for the adoption of the Health and Social Services Committee Substitute offered on page 326. Without objection, CS FOR SENATE BILL NO. 10(HSS) was adopted.

Updated fiscal information for CS FOR SENATE BILL NO. 10(HSS) was published today:

Fiscal Note No. 3, zero, Department of Health and Social Services
Fiscal Note No. 4, zero, Department of Commerce, Community
and Economic Development

Senator Davis offered Amendment No. 1:

Page 1, line 5, following "**trials;**":
Insert "**and**"

Page 1, lines 6 - 7:
Delete "**; and providing for an effective date**"

Page 5, line 9:
Delete all material.

Senator Davis moved for the adoption of Amendment No. 1. Senator Bunde objected, then withdrew his objection. There being no further objection, Amendment No. 1 was adopted.

Senator Ellis moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 10(HSS)(efd del) "An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of

cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; and relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association" was read the third time.

Senator Bunde declared a conflict of interest.

The question being: "Shall CS FOR SENATE BILL NO. 10(HSS)(efd del) "An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; and relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association" pass the Senate?" The roll was taken with the following result:

CSSB 10(HSS) (efd del)
Third Reading - Final Passage

YEAS: 17 NAYS: 1 EXCUSED: 2 ABSENT: 0

Yeas: Bunde, Davis, Egan, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wielechowski

Nays: Coghill

Excused: Dyson, Wagoner

and so, CS FOR SENATE BILL NO. 10(HSS)(efd del) passed the Senate and was referred to the Secretary for engrossment.

Citations

In Memoriam - Thomas E. Logan

Senator(s) Huggins, Stevens, Bunde, Coghill, Davis, Dyson, Egan, Ellis, Hoffman, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wagoner, Wielechowski

Representative(s) Neuman

In Memoriam - Sarah Marie Hays

Representative(s) Guttenberg

Senator(s) Thomas, Stevens, Bunde, Coghill, Davis, Dyson, Egan, Ellis, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Wagoner, Wielechowski

Senator Ellis moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Senator Ellis moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

Special Order of Business

In Memoriam - Timothy Kelly

Senator(s) Davis, Stevens, Bunde, Coghill, Dyson, Egan, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wagoner, Wielechowski

Senator Ellis moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

Unfinished Business

SB 266

Senator Hoffman moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 266 "An Act relating to emergency compensation from the Violent Crimes Compensation Board." Without objection, it was so ordered.

Senator Thomas moved and asked unanimous consent to be excused from a call of the Senate from noon plane time, March 19 through evening plane time, March 21. Without objection, Senator Thomas was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SB 10**

CS FOR SENATE BILL NO. 10(HSS)(efd del) "An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; and relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Ellis moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., March 10, 2010. Without objection, the Senate adjourned at 1:44 p.m.

Kirsten Waid
Secretary of the Senate

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

+ indicates teleconference
 = indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS

Mar 09 Tuesday Beltz 105 (tsbldg) 3:30 PM
 + HJR 46 SUPPORTING DENALI COMMISSION
 + SJR 29 TRIBAL SEATS ON N. PAC. FISHERIES COUNCIL
 + Bills Previously Heard/Scheduled

Mar 11 Thursday Beltz 105 (tsbldg) 3:30 PM
 + Bills Previously Heard/Scheduled

EDUCATION

Mar 08 Monday Beltz 105 (tsbldg) 8:00 AM
 No Meeting Scheduled

Mar 10 Wednesday Beltz 105 (tsbldg) 8:00 AM
 += SB 224 POSTSECONDARY SCHOLARSHIPS
 + Bills Previously Heard/Scheduled

Mar 12 Friday Beltz 105 (tsbldg) 8:00 AM
 + Bills Previously Heard/Scheduled

FINANCE

Mar 08 Monday Senate Finance 532 9:00 AM
 + SB 221 LEGISLATIVE TASK FORCE ON HIGHER ED
 += SB 269 ECON. STIMULUS BONDS: REALLOCATION/WAIVER
 += SB 270 AK HOUSING FIN CORP DIVIDEND
 + SJR 21 CONST. AM: INCREASE NUMBER OF LEGISLATORS
 + Bills Previously Heard/Scheduled

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FINANCE (continued)

Mar 09 Tuesday Senate Finance 532 9:00 AM
 + SB 305 SEPARATE OIL & GAS PRODUCTION TAX
 + SB 306 SEPARATE OIL & GAS PRODUCTION TAX
 + Bills Previously Heard/Scheduled

Mar 10 Wednesday Senate Finance 532 9:00 AM
 += SB 305 SEPARATE OIL & GAS PRODUCTION TAX
 += SB 306 SEPARATE OIL & GAS PRODUCTION TAX
 + SB 168 TRAUMA CARE CENTERS/FUND
 + SB 210 MILITARY DEPLOYMENT AND CHILD CUSTODY
 + SB 266 VIOLENT CRIMES EMERGENCY COMPENSATION
 + Bills Previously Heard/Scheduled

Mar 11 Thursday Senate Finance 532 9:00 AM
 += SB 305 SEPARATE OIL & GAS PRODUCTION TAX
 += SB 306 SEPARATE OIL & GAS PRODUCTION TAX
 + Bills Previously Heard/Scheduled

Mar 12 Friday Senate Finance 532 9:00 AM
 += SB 305 SEPARATE OIL & GAS PRODUCTION TAX
 += SB 306 SEPARATE OIL & GAS PRODUCTION TAX
 += SB 110 PRESERVATION OF EVIDENCE
 + SB 246 INCREASING NUMBER OF SUPERIOR CT JUDGES
 + SB 257 YOUTH COURTS AND CRIMINAL FINES
 + Bills Previously Heard/Scheduled

HEALTH & SOCIAL SERVICES

Mar 08 Monday Butrovich 205 1:30 PM
 No Meeting Scheduled

Mar 10 Wednesday Beltz 105 (tsbldg) 1:30 PM
 -- Location Change --
 Confirmation of Governor's Appointments
 + SB 46 CHILD SUPPORT AWARDS
 += SB 172 ALASKA HEALTH CARE COMMISSION
 <Note: Above previously heard bill has
 been added back onto the Agenda>
 Bills Previously Heard/Scheduled

Mar 12 Friday Butrovich 205 1:30 PM
 No Meeting Scheduled

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JUDICIARY

- Mar 08 Monday Beltz 105 (tsbldg) 1:30 PM**
 -- Meeting Delayed to 1:50 pm --
 += SB 209 STATE COUNCIL ON THE ARTS; REGULATIONS
 += SB 260 ELECTRIC & TELEPHONE COOPERATIVES' VOTING
 + SB 202 HATE CRIMES
 + SB 284 CAMPAIGN EXPENDITURES
 + Bills Previously Heard/Scheduled
- Mar 10 Wednesday Butrovich 205 1:30 PM**
 -- Location Change --
 + Confirmation Hearing: Attorney General Daniel S. Sullivan
- Mar 12 Friday Beltz 105 (tsbldg) 1:30 PM**
 += SB 239 IGNITION INTERLOCK DEVICES/DUI/CHEM. TEST
 += SB 92 U.S. PRESIDENTIAL ELECTION COMPACT
 + Bills Previously Heard/Scheduled

LABOR & COMMERCE

- Mar 09 Tuesday Beltz 105 (tsbldg) 1:30 PM**
 -- Please Note Time Change --
 += SB 129 RESIDENTIAL SPRINKLER SYSTEMS
 + SB 302 MICROLOAN REVOLVING FUND
 += SB 153 MOBILE HOMES AS REAL PROPERTY
 + Bills Previously Heard/Scheduled
- Mar 11 Thursday Beltz 105 (tsbldg) 1:30 PM**
 -- Please Note Time Change --
 + SB 262 EXTEND BOARD OF SOCIAL WORK EXAMINERS
 + SB 263 EXTEND BOARD OF PROFESSIONAL COUNSELORS
 + SB 272 RENTAL CAR CHARGES
 + Bills Previously Heard/Scheduled

RESOURCES

- Mar 08 Monday Butrovich 205 3:30 PM**
 += SB 220 ENERGY EFFICIENCY/ ALTERNATIVE ENERGY
 += SJR 27 FED. FUNDING: DOMESTIC SEAFOOD MARKETING
 += SB 274 WILLIAM JACK HERNANDEZ FISH HATCHERY
 += SB 208 DNR STUDY ON NATURAL GAS
 + SB 144 MUSK OXEN PERMITS
 + Bills Previously Heard/Scheduled

RESOURCES (continued)

Mar 10	Wednesday	Butrovich 205	3:30 PM
+	Overview: AGIA Regulations - Dept of Revenue		
+	Bills Previously Heard/Scheduled		
Mar 11	Thursday	Butrovich 205	3:30 PM
+= SB 242	GEOTHERMAL RESOURCE TAX CREDITS		
+= SB 243	NO ROYALTY ON GEOTHERMAL RESOURCE		
	Overview: AGIA Regulations - Dept of Revenue (continued)		
+	Bills Previously Heard/Scheduled		
Mar 12	Friday	Butrovich 205	3:30 PM
+	Overview: Railbelt Integrated Resource Plan: AEA and Black and Veatch Consultants		
+	Bills Previously Heard/Scheduled		

STATE AFFAIRS

Mar 09	Tuesday	Beltz 105 (tsbldg)	9:00 AM
+	Confirmation Hearings: - State Commission for Human Rights - Lieutenant Governor Successor - Commissioner - Department of Military & Veterans Affairs		
+	Bills Previously Heard/Scheduled		
Mar 11	Thursday	Beltz 105 (tsbldg)	9:00 AM
+	Bills Previously Heard/Scheduled		

TRANSPORTATION

Mar 09	Tuesday	Butrovich 205	1:00 PM
	No Meeting Scheduled		
Mar 11	Thursday	Butrovich 205	1:00 PM
	No Meeting Scheduled		

FINANCE SUBCOMMITTEES**ADMINISTRATION**

Mar 19 **Friday** **Beltz 105 (tsbldg)** **3:30 PM**
 Dept Closeout

CORRECTIONS

Mar 09 **Tuesday** **Fahrenkamp 203** **5:00 PM**
 Inmate Health Care

Mar 16 **Tuesday** **Fahrenkamp 203** **5:00 PM**
 Closeout

COURT SYSTEM

Mar 11 **Thursday** **Sen Conf Rm 103 Tsb** **4:00 PM**
 +
 FY11 Budget Request

Mar 18 **Thursday** **Sen Conf Rm 103 Tsb** **4:00 PM**
 +
 Closeout

EDUCATION & EARLY DEVELOPMENT

Mar 10 **Wednesday** **Sen Conf Rm 103 Tsb** **12:00 PM**
 +
 FY11 Budget Request

Mar 17 **Wednesday** **Sen Conf Rm 103 Tsb** **12:00 PM**
 +
 Closeout

ENVIRONMENTAL CONSERVATION

Mar 09 **Tuesday** **Fahrenkamp 203** **3:30 PM**
 Spill Prevention & Response

Mar 16 **Tuesday** **Fahrenkamp 203** **3:30 PM**
 Closeout

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FINANCE SUBCOMMITTEES (continued)

FISH & GAME

Mar 15 **Monday** **Senate Finance 532** **3:00 PM**
 Closeout

GOVERNOR

Mar 17 **Wednesday** **Senate Finance 532** **3:00 PM**
 Closeout

HEALTH & SOCIAL SERVICES

Mar 12 **Friday** **Beltz 105 (tsbldg)** **3:30 PM**
 + Pre-Closeout and Question/Answer Session
 -- Testimony <Invitation Only> --

Mar 17 **Wednesday** **Beltz 105 (tsbldg)** **3:00 PM**
 + Budget Closeout
 -- Testimony <Invitation Only> --

LAW

Mar 09 **Tuesday** **Sen Conf Rm 103 Tsb** **1:30 PM**
 Budget Detail

Mar 16 **Tuesday** **Fahrenkamp 203** **1:30 PM**
 Closeout

LEGISLATURE

Mar 17 **Wednesday** **Senate Finance 532** **3:15 PM**
 Closeout

MILITARY & VETERANS' AFFAIRS

Mar 08 **Monday** **Sen Conf Rm 103 Tsb** **12:15 PM**
 -- Rescheduled to 3/9/10 --
 Committee Discussion and Close Out
 -- Testimony <Invitation Only> --

FINANCE SUBCOMMITTEES (continued)**MILITARY & VETERANS' AFFAIRS (continued)**

Mar 09 Tuesday Fahrenkamp 203 2:30 PM
 -- Rescheduled from 3/8/10 --
 Committee Discussion and Close Out
 -- Testimony <Invitation Only> --

NATURAL RESOURCES

Mar 09 Tuesday Fahrenkamp 203 1:00 PM
 Discussion
 -- Testimony <Invitation Only> --

Mar 16 Tuesday Fahrenkamp 203 3:00 PM
 +
 CLOSE OUT
 -- Testimony <Invitation Only> --

PUBLIC SAFETY

Mar 11 Thursday Fahrenkamp 203 1:00 PM
 +
 Pre-Closeout & Question/Answer Session
 -- Testimony <Invitation Only> --

Mar 18 Thursday Fahrenkamp 203 1:00 PM
 +
 Budget Closeout
 -- Testimony <Invitation Only> --

REVENUE

Mar 11 Thursday Sen Conf Rm 103 Tsb 1:30 PM
 Budget Detail

Mar 18 Thursday Sen Conf Rm 103 Tsb 1:30 PM
 Subcommittee closeout

TRANSPORTATION & PUBLIC FACILITIES

Mar 09 Tuesday Fahrenkamp 203 8:00 AM
 Budget Details

FINANCE SUBCOMMITTEES (continued)

TRANSPORTATION & PUBLIC FACILITIES (continued)

Mar 16 Tuesday Fahrenkamp 203 8:00 AM
Closeout

UNIVERSITY OF ALASKA

Mar 16 Tuesday Senate Finance 532 3:00 PM
Closeout

JOINT COMMITTEES

ADMINISTRATIVE REGULATION REVIEW

Mar 08 Monday Capitol 17 3:00 PM
+ (18 AAC 32) Proposed Regulations Relating to Cheese
Production
-- Public Testimony --
+ (11 AAC 65.010 - 11 AAC 65.900,
particularly 11 AAC 65.010) Regulations
Relating to Personal Use Cabin Permits
-- Public Testimony --
Executive Session

OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

Mar 24 Wednesday Butrovich 205 12:00 PM
+ The State of the Uninsured: Let's Ensure Their Health

JOINT SESSION

Mar 31 Wednesday House Chamber 11:00 AM
Annual Address by the Honorable
Mark Begich, U.S. Senator

MISCELLANEOUS MEETINGS

Mar 29 **Monday** **Senate Finance 532** **1:00 PM**
School District Legislative Fly-In
Informal Q&A Session Regarding Alaska's
Public School System

UNIVERSITY BOOSTERS CAUCUS

Mar 08 **Monday** **House Finance 519** **4:00 PM**
Q & A with UA Regents

Mar 17 **Wednesday** **House Finance 519** **4:00 PM**
Business Leaders to Legislature: We need to Grow Our Own
Alaska Workforce